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June 1, 2005

VIA HAND DELIVERY

Honorable Pat Miller, Chairman
c/o Sharla Dillon, Docket & Records Manager
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

RE: Petition of Cellco Partnership d/b/a/ Verizon Wireless for Arbitration Under the
Telecommunications Act of 1996, TRA Consolidated Docket No 03-00585

Dear Chairman Miller.

Attached hereto please find an original and thirteen (13) copies of *CMRS Providers' Status Report and Request Regarding Post-Arbitration Matters* for filing in the above-referenced matter.

The enclosed documents have been served on counsel for the Rural Independent Coalition and other parties of record. If you have any questions about this filing or need any additional information, please do not hesitate to give me a call at (615) 744-8446

Sincerely,



J. Barclay Phillips
Melvin J. Malone

Enclosures

cc William T. Ramsey, Esq.
Stephen G. Kraskin, Esq.
Henry Walker, Esq.
J. Gray Sasser, Esq.
Paul Walters, Jr., Esq.
Mark J. Ashby, Esq.
Edward Phillips
Charles W. McKee
Elaine Cntides
Dan Menser
Mann Fettman
Leon M. Bloomfield

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

In Re:)	
Petition for Arbitration of Cellco Partnership)	
d/b/a Verizon Wireless)	Consolidated No. 03-00585
)	
)	

**CMRS PROVIDERS' STATUS REPORT AND REQUEST REGARDING
POST-ARBITRATION MATTERS**

Petitioners Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless"), AT&T Wireless PCS, LLC d/b/a AT&T Wireless ("AT&T Wireless"), BellSouth Mobility LLC; BellSouth Personal Communications, LLC; Chattanooga MSA Limited Partnership, collectively d/b/a Cingular Wireless ("Cingular Wireless"), Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint PCS"), and T-Mobile USA, Inc. ("T-Mobile"), collectively referred to herein as the CMRS Providers, hereby submit this Report and Request Regarding Post-Arbitration Matters

I.

DISCUSSION

The Tennessee Regulatory Authority ("TRA" or "Authority") panel presiding over this case deliberated the open arbitration issues in this docket on January 12, 2005. In accordance with the directives provided by the Authority panel at the conclusion of said deliberations, the Parties collectively negotiated a mutually satisfactory settlement for three (3) outstanding issues

from the arbitration, which settlement was memorialized and submitted to the Authority in a February 8, 2005, joint letter (hereinafter the “February 8 - Settlement Agreement”).

In sum, the terms of the *February 8 - Settlement Agreement* resolved that the Parties would agree as follows: (1) to use a default billing factor of 70% mobile, to 30% land line as the relative ratio of traffic exchanged between the parties; (2) to implement a *de minimus* billing requirement of 5,000 minutes of usage per month to reduce the administrative expenses of billing for traffic below the threshold; and (3) to implement a default InterMTA factor equivalent to 3% of the traffic exchanged between the parties for the purposes of determining what traffic would be subject to interstate and intrastate access charges, with an assumption that 50% of the traffic would be subject to interstate, and 50% to intrastate access charges.

It is well known that the Parties to this collective negotiation and arbitration have been operating without interconnection agreements since May of 2003, when these negotiations formally began.¹ Under the circumstances, the continued absence of interconnection agreements materially interferes with both the legitimate business needs of the CMRS Providers and their ability to serve Tennessee’s consumers. Therefore, subsequent to the resolution of the aforementioned three (3) issues, the CMRS Providers, in reliance upon the transcript from the January 12 deliberations, including the Authority’s adoption of interim rates, have attempted to fashion a conforming draft interconnection agreement (the “Conformed ICA”) with the Rural Independent Coalition (“Coalition” or “ICOs”).² Unfortunately, though well-intended, these attempts have been completely unsuccessful.

¹ Transcript of Deliberations, *In Re Petition For Arbitration of Celco Partnership d/b/a Verizon Wireless*, TRA Consolidated Docket No 03-00585, p 67 (Jan 12, 2005) (“I think it’s incumbent on us to make sure that we establish a permanent price in these matters as expeditiously as we possibly can ”)

² Transcript of Deliberations, *In Re Petition For Arbitration of Celco Partnership d/b/a Verizon Wireless*, TRA Consolidated Docket No 03-00585, pp 59 5 – 61 21 (Jan 12, 2005)

After carefully weighing various potential courses of action, the CMRS Providers are persuaded that the most appropriate manner in which to proceed is to provide this report to the Authority, coupled with the requests set forth below.³

11.

PRAYER FOR RELIEF

In order to ensure fairness and expediency in the arbitration process, the CMRS Providers respectfully request the following relief from the presiding Authority panel in TRA Consolidated Docket No. 03-00585:

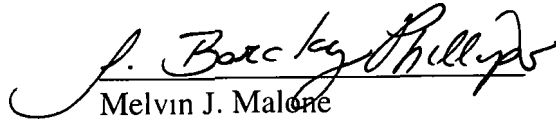
1. The reaffirmation from the presiding Authority panel at the Authority's next regularly scheduled Conference that the interim rates established in this docket during the January 12, 2005, deliberations are, as of January 12, 2005, made applicable to all parties to this arbitration; and
2. The issuance of an order from the presiding Authority panel memorializing the January 12, 2005, deliberations in this docket, with instructions for the Parties to jointly submit a form of the interconnection agreement for review by the presiding panel⁴ within thirty (30) days of the issuance of said order (or within thirty (30) days after the resolution of any motions for reconsideration, clarification or other permitted post-arbitration motions).⁵

³ The CMRS Providers are aware of the Notice of Status Conference that was issued in this Consolidated Docket on May 27, 2005. While the CMRS Providers both recognize and appreciate the appropriateness of said Notice, in reliance upon the January 12, 2005, deliberations, it does not appear that the Notice of Status Conference was intended to address the matters requested herein.

⁴ After the form of the interconnection agreement is reviewed by the presiding panel, the Parties would thereafter submit interconnection agreements for approval by the Authority.

⁵ Moreover, said instructions should provide that in the event the Parties are unable to reach agreement on the form of the interconnection agreement, the Parties should submit a joint proposed form of the interconnection agreement to the Authority, redlining areas of disagreement, within a time certain. The Parties should be directed that any redlined areas of disagreement must conform to the Authority's order. The form of the interconnection agreement should be consistent with the Authority's finding with respect to Arbitration Issue No. 16. Transcript of Deliberations, *In Re Petition For Arbitration of Celco Partnership d/b/a Verizon Wireless*, TRA Consolidated Docket No. 03-00585, pp. 59-61 (Jan. 12, 2005).

Respectfully submitted,

A handwritten signature in black ink, reading "J. Barclay Phillips", written over a horizontal line.

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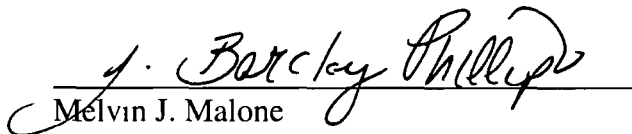
On Behalf of the CMRS Providers

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2005, a true and correct copy of the foregoing has been served on the parties of record, via the method indicated:

<input checked="" type="checkbox"/>	Hand	William T Ramsey Neal & Harwell 150 Fourth Avenue North, Suite 2000 Nashville, TN 37219-2498
<input type="checkbox"/>	Mail	
<input type="checkbox"/>	Facsimile	
<input type="checkbox"/>	Overnight	
<input type="checkbox"/>	Hand	Stephen G. Kraskin Kraslun, Lesse & Cosson, LLP 2120 L Street NW, Suite 520 Washington, D.C. 20037
<input checked="" type="checkbox"/>	Mail	
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<input type="checkbox"/> Hand <input checked="" type="checkbox"/> 3 Mail <input type="checkbox"/> 3 Facsimile <input type="checkbox"/> Overnight	Elaine Cntides Venzon Wireless 1300I Street, N.W. Washington, D.C. 20005
<input type="checkbox"/> Hand <input checked="" type="checkbox"/> 3 Mail <input type="checkbox"/> 3 Facsimile <input type="checkbox"/> 3 Overnight	Dan Menser Sr. Corporate Counsel T-Mobile USA, Inc. 12920 SE 38 th Street Bellevue, WA 98006
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<input type="checkbox"/> 3 Hand <input checked="" type="checkbox"/> 3 Mail <input type="checkbox"/> 3 Facsimile <input type="checkbox"/> 3 Overnight	Leon M Bloomfield Wilson & Bloomfield LLP 1901 Harrison St , Suite 1630 Oakland, CA 94612


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